

**VILLAGE OF NORTH PALM BEACH
WATERWAYS BOARD MEETING MINUTES
FEB 5, 2019 6:00 PM**

I. MEMBERS:

Jerry Sullivan, Chairman
Bill Hipple, Vice Chairman
Bruce Crawford, Secretary
Robert Werner, Member
Ed Preti, Member
Paul Bartlett, 1st Alternate
Kelli Preti, 2nd Alternate

II. GUESTS: Vice Mayor Mark Mullinix, Councilmember Darryl Aubrey, Councilmember Searcy, Village Manager Andy Lukasik, Village Attorney Len Rubin, and 22 other guests on attached roster Attachment C.

III. MINUTES APPROVAL: The Aug 14, 2018 meeting minutes were approved unanimously

IV. EXCUSAL OF ABSENT MEMBERS: None

V. MATTERS BY THE PUBLIC: the 22 guests above attended to participate in the Earman River discussion

VI. OLD BUSINESS: None

VII. NEW BUSINESS:

A. Earman River Schwencke problem

B. Earman River clean up issues

C. Anchorage Park Marina update

A. EARMAN RIVER SCHWENCKE PROBLEM

Guest Atty Andrew Baumann, invited by the Village and representing some of the residents affected by the Schwencke problem, provided a very good overview of the problem and the impact it is having on the residents and businesses fronting on the Earman River. Some of the Guests on the attached also spoke about their experiences with this problem. Amongst the many things our Board learned were:

1) Village residents and businesses are faced with millions of dollars in legal costs and payments to the Schwencke family through their North Palm Properties, Inc. (NPBP) entity, and some as large as hundreds of thousands of dollars in individual cases.

2) There seems to be some valid questions about the origin of NPBP claims to ownership and interests in the properties they claim to own, and about the validity of their current ownership – see Attachments A from one of our Guests

- 3) The Guests, residents and businesses, present feel they are being **extorted** and the predatory attacks by NNPBP are **immoral** see Attachments B indicating the troubling ethics and predatory methods in these attacks including; threats to sell the river frontage rights to third parties if river frontage owners don't buy the rights, which effectively blocks the owners from their own river frontage access, and threats to increase the price if owners try to defend their positions legally.
- 4) The pattern of these predatory attacks is random and some rights were given by NNPBP free to friends or at very low cost and others are extreme at over 500,000\$ to a condo association and a proposal to Nautical Ventures to pay 750,000\$ for the right to continue using docks which have existed for decades.
- 5) NNPBP has not so far attacked the Village which also has waterfront facilities on the Earman River and we do not know what rights NNPBP may have to do so and we do not know what it means if NNPBP is attacking most of the Earman River front owners but not the Village of NPB.
- 6) When asked how we, our Board and the Village, can help, we got the sense that the residents and businesses could work together more effectively to fight this threat as a group and more importantly, the Village could take a stand supporting the residents and businesses instead of regarding this problem as a civic matter, not a Village problem.

The Waterways Board was unanimous in its opinion that this threat to our residents and businesses on the Earman River is an unacceptable and immoral situation and that we and the Village should stand up for its citizen residents and businesses and help defend their rights to their long standing and existing use of Earman River frontage. Accordingly the Board made and unanimously approved the following recommendation to the Village Council;

MOTION: The Waterways Board recommends and urges the Village Council to stand up for and help defend the rights of its Earman River front property owners including:

- a) immediately hold a workshop meeting to gather more and all relevant information and pursue options for defending the river front owner's rights, and
- b) be proactive in supporting its residents and businesses and explore all possible legal, (like ways to put a hold/freeze/injunction on all such questionable transfers pending legal process?), code and zoning and other options to resolve this unjust and predatory situation favorably for the river front owners .

B. EARMAN RIVER CLEAN UP ISSUES: deferred to next meeting

C. ANCHORAGE PARK MARINA UPDATE: Village Manager Andy Lukasik provided a great overview of the status of the work at the Anchorage Park Marina

The meeting was adjourned at 8:00 pm